

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

GREGORY LINSTON GILLILAN,

Plaintiff

v.

DR. DEWAYNE AYERS,

Defendant

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1:05-CV-80 (WLS)

**ORDER**

Before the Court is a Recommendation from United States Magistrate Judge Richard L. Hodge filed on August 1, 2006. (Doc. 31). It is recommended that Plaintiff's Motion for Summary Judgment (Doc. 19) be denied and that Defendant's Motion for Summary Judgment (Doc. 21) be granted. (Doc. 31). Plaintiff filed a timely objection on September 11, 2006. (Doc. 34).

In the instant Report and Recommendation, it was found that Plaintiff "has presented no medical evidence or other evidentiary support for his contention that the treatment for Hepatis C had been prescribed and the delay in delivery of this treatment exacerbated his condition or caused him further injury." It was therefore recommended that Plaintiff's Motion for Summary Judgment (Doc. 19) be denied and that Defendant's Motion for Summary Judgment (Doc. 21) be granted, as Plaintiff, by his failure to establish verifying medical evidence to support his claim, fails to establish the requisite constitutional violation. Plaintiff's objection does not address the above-referenced recommendation, rather it objects to the handling of any aspect of this case by the Magistrate Judge and seeks a continuance without providing an adequate legal basis therefor. (Doc. 34).<sup>1</sup> To the extent Plaintiff's objection serves as an affirmative motion, the same is

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<sup>1</sup> Notably, the Court issued an Order on August 24, 2006 continuing for ten (10) days its review of the subject Report and Recommendation to afford Plaintiff the opportunity to file a proper objection to said Recommendation. (Doc. 33). The Court further instructed Plaintiff that a proper objection was to be based on the record as it existed before the Magistrate Judge at the time of the Recommendation. *Id.* Additionally, Plaintiff was instructed that no further extension would be authorized. *Id.*

denied for lack of support. Furthermore, as to Plaintiff's suggestion that he has already provided exhibits and evidence to the Court, it is found that the same was properly and adequately reviewed by the Magistrate Judge when issuing the subject Recommendation.

Upon full review and consideration upon the record, the Court finds that said Recommendation (Doc. 31) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Plaintiff's Motion for Summary Judgment (Doc. 19) is **DENIED**; and Defendant's Motion for Summary Judgment (Doc. 21) is **GRANTED**.

**SO ORDERED**, this 19<sup>th</sup> day of September, 2006.

/s/W. Louis Sands  
**HON. W. LOUIS SANDS, JUDGE**  
**UNITED STATES DISTRICT COURT**